



Superior Court of California

County of San Diego

INSTRUCTIONS TO ATTORNEYS RE: GUARDIANSHIP INVESTIGATIONS PRC 1513

Probate Code 1513 requires in each proposed appointment of guardian, an investigation of the proposed guardian(s) be made and submitted to the court. These investigations will be done by Family Court Services, the Court Investigator (Probate Examiners office) or Department of Social Services as follows:

<u>Guardianship Of</u>	<u>Proposed Guardian Is</u>	<u>Agency</u>
1. Person or person/estate	Relative	Family Court Services
2. Person or person/estate	Non-relative	Department of Social Services
3. Estate only	Relative or non-relative	Court Investigator
4. Estate only	Relative or non-relative	Sufficient cause for waiver- no investigation

For these purposes, relative is defined in Probate Code Section 1513(g).

ATTORNEY IS TO SUBMIT DOCUMENTS AND FOLLOW PROCEDURES BELOW FOR CORRESPONDING NUMBERS ABOVE:

1. RELATIVE GUARDIAN - PERSON OR PERSON/ESTATE

- Submit Order Directing or Waiving Investigation to Probate Examining. Fill out order, check #1.
- Go to Family Court Services as soon as possible to make an appointment for the investigation since the investigation process will ordinarily take as least nine weeks. TAKE COPIES OF ALL GUARDIANSHIP DOCUMENTS WITH YOU.

The address for FCS in San Diego is 1555 6th Avenue, 2nd floor. Phone: (619) 236-2681. For Vista it is 325 South Melrose Drive, Suite 340. Phone: (760) 940-4433.

- The fee for the investigation must be paid at the time you apply for an appointment with FCS or you must obtain an order from the court waiving the investigation fee. If the court orders payment of only part of the fee, a payment on account must be made at the time you request an appointment with FCS.

THE COURT WILL NOT WAIVE THE ABOVE INVESTIGATIONS.

2. NON-RELATIVE GUARDIAN - PERSON OR PERSON/ESTATE

- Per Probate Code 1542, notice is to be given to the Director of Social Services in Sacramento and to the local agency investigating guardianships.
- Attorney to submit the Order Directing or Waiving to Probate. Fill out order, check #2.
- Send a second copy of the petition only to: Health and Human Services Agency, Childrens Services, Guardianship Clerk, 6950 Levant Street, San Diego, CA 92111. This will expedite assignment for investigation and minimize court continuances.

3. RELATIVE OR NON-RELATIVE GUARDIAN - ESTATE ONLY

- Submit Order Directing or Waiving to Probate. Fill out order, check #3.
- Send copy of Order to Court Investigator to initiate investigation. Phone 236-3781
- Pay \$800.00 fee to Business Office and send receipt with above, or send a check for \$800.00 with above.

4. RELATIVE OR NON-RELATIVE GUARDIAN - ESTATE - WAIVER REQUESTED

- Submit Application for Waiver of Investigation, Guardianship Questionnaire, and Order Directing or Waiving to Probate. Fill out order, do NOT check a box.
- If waiver is approved, appointment will proceed. If waiver is denied, attorney will receive a copy of the Order Directing Investigation and Court Investigator will contact proposed guardian.

All guardianship petitions of the person require you to send notice to the local agency investigating guardianships (per Probate Code 1516). The actual screening for neglect or abuse will be done by either San Diego Department of Social Services or Family Court Services, depending upon which agency is responsible for the investigation of the guardianship of the person.